THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13303 OF 2006

Date: 08-12-2006

Between:

Gangapuram Jagannatha Reddy and another

… Petitioners

And

The Joint Collector,
Rangareddy District, Hyderabad
and five others

… Respondents

O R D E R:

Heard the counsel.

The writ petition is filed for a writ of Mandamus declaring action of the respondents 1 to 4 in not taking any steps for removing the illegal construction constructed by the 5th respondent in middle of the road and obstructing the way to reach the petitioners land, as illegal, arbitrary and violation of Article of 21 of the Constitution of India and consequently direct the respondents 1 to 4 to remove the illegal construction constructed by the 5th respondent in middle of the road and to provide way to the petitioners' land in survey No.399/ admeasuring Ac.1-12 gts. And survey No.399/ admeasuring 0-02 gts. Which comes to Ac.1-14 gts. situated at Timmapuram village, Kandukur Mandal, Ranga Reddy District and also direct to appropriate criminal proceedings against the 5th respondent for obstructing the public way in middle of the road and pass such other suitable orders.

Several factual details are narrated. It is stated that the Junior Civil Judge, Ibrahimpatnam was pleased to grant interim injunction in OS 121 of 2004 filed by the petitioners on the file of Junior Civil Judge, Ibrahimpatnam. The interim order, which was granted, in fact, was made absolute. It is also stated that the learned Junior Civil Judge, Ibrahimpatnam was pleased to allow the IA No.374 of 2005 filed by the petitioners praying for police protection. Certain other factual details

are also narrated in this regard.

Sri R.Prem Sagar, the learned Standing Counsel representing R-6, on instructions, would submit that it is a fact that R5 constructed a wall across and in the middle of the road. The learned counsel also would submit that in view of Section 96 of the A.P. Panchayatraj Act, it is the bounden duty of the Gram Panchayat concerned to initiate appropriate action.

In view of the same, the writ Petition is disposed of directing the 6th respondent to take appropriate steps for removal of such illegal constructions in the middle of the road, in the light of the facts and circumstances well explained by the writ petitioners.

Accordingly, the writ petition is allowed to the extent indicated above. No order as to costs. It is needless to say that in view of the urgency pleaded, the 6th respondent Gram Panchayat to initiate necessary steps at an earliest point of time.

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P.S.NARAYANA, J.

Date: 08th December 2006

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